

FILED

NOT FOR PUBLICATION

JAN 09 2013

UNITED STATES COURT OF APPEALS

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

FOR THE NINTH CIRCUIT

EDWARD HAROLD SCHAD,

Petitioner - Appellant,

v.

CHARLES L. RYAN,* Arizona
Department of Corrections,

Respondent - Appellee.

No. 07-99005

D.C. No. CV-9702577-PHX-ROS
District of Arizona,
Phoenix

ORDER

Before: SCHROEDER, REINHARDT and GRABER,** Circuit Judges.

Within 14 days from the date of this order, respondent-appellee is directed to file a response to petitioner-appellant's emergency motion to continue stay of mandate pending en banc proceedings in *Dickens v. Ryan*, No. 08-99017.

Petitioner-appellant's optional reply will be due 7 days after respondent-appellee's response is filed.

* Charles L. Ryan is substituted for his predecessor Dora B. Schriro as Director of the Arizona Department of Corrections. *See* Fed. R. App. P. 43(c)(2).

** Judge Graber was drawn to replace Judge Rymer.